

**IN THE CLAIMS:**

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND claims 1, 5 and 6 in accordance with the following:

1. (Currently Amended)        A method of detecting an optical disc, comprising:  
sensing a weight of the optical disc to determine if the optical disc is a 12 centimeter (cm) disc or an 8 cm disc and driving the optical disc drive;  
detecting an amount of data recorded on the optical disc from a lead-in area of the optical disc;  
if the detected amount of data recorded on the optical disc is ~~below~~above a reference value, moving a pickup to a periphery area and measuring a focus error; and  
if the measured focus error is ~~above~~below a constant value, detecting the optical disc as a fashion disc type having diameters of 8 cm and limiting the operational speed level of the optical disc drive.

2-4. (Cancelled)

5. (Currently Amended)        The method of claim 1, wherein if the measured focus error is ~~below~~above the constant value, the optical disc is detected as a standard disc having a diameter of 12 cm on which data is partially recorded.

6. (Currently Amended)        An apparatus detecting an optical disc, comprising:  
a weight detection unit detecting a weight of the optical disc inserted in a disc drive;  
a comparison unit comparing an amount of data recorded on the optical disc from the lead-in area of the optical disc with a reference value; and  
a disc detection unit detecting a size of an optical disc according to the weight detected via the weight detection unit, determining the size of the optical disc by detecting the amount of

data recorded on the optical disc from a lead-in area of the optical disc when the disc drive is driven, if determined as a result of the comparison via the comparison unit that the amount of data recorded on the optical disc is below the reference value, moving a pickup to a periphery area and measuring a focus error, and if the measured focus error is ~~above~~below a constant value, detecting the optical disc as a fashion disc type having diameters of 8 cm.

7. (Previously Presented) The apparatus of claim 6, wherein the detection unit includes:

a first disc detection unit that detects the size of the disc according to the weight detected via the weight detection unit;

a second disc detection unit that determines the size of the optical disc by detecting the amount of data recorded on the optical disc from the lead-in area of the optical disc when the disc drive is driven; and

a third disc detection unit that moves the pickup to the periphery area and measures the focus error, if it is determined as the result of the comparison via the comparison unit that the amount of data recorded on the optical disc is ~~below~~above the reference value, and detects the optical disc as the fashion disc type, if the measured focus error is ~~above~~below the constant value.

8. (Previously Presented) The apparatus of claim 7, wherein the first disc detection unit detects the optical disc as either a standard disc having a diameter of 12 cm or a disc having a diameter of 8 cm according to the weight of the optical disc.

9. (Previously Presented) The apparatus of claim 7, wherein the second disc detection unit detects the optical disc as any one disc among a standard disc having a diameter of 12 cm on which data is fully recorded, a standard disc having a diameter of 12 cm on which data is partially recorded, and a disc having a diameter of 8 cm according to the amount of data recorded on the optical disc.

10. (Previously Presented) The apparatus of claim 7, wherein the third disc detection unit detects the optical disc as a fashion disc if the measured focus error is below the constant value and as a standard disc having a diameter of 12 cm on which data is partially recorded if the measured focus error is above the constant value.

11-29. (Cancelled)